

No. 11(112)-80-8Lab/13282.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Haryana State Electricity Board, Thermal Project, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 225 of 1979

SHRI RAGHU NANDAN, WORKMAN AND THE MANAGEMENT OF M/S HARYANA STATE  
ELECTRICITY BOARD, THERMAL PROJECT, FARIDABAD.

Present.—

Shri Narinder Pal Singh, for the workman.

Shri S. R. Gupta, for the management.

#### AWARD

By order No. Fd/57-79/34904, dated the 9th August, 1979, the Governor of Haryana referred the following dispute between the management of M/s. Haryana State Electricity Board, Thermal Project, Faridahad, and its workman Shri Raghu Nandan, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act.

Whether the termination of services of Shri Raghu Nandan was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties issues were framed on 10th July, 1980 and the case was fixed for the evidence of the parties. The workman examined Shri Raghu Nandan as WW-1 and closed his case. Then the case was fixed for the evidence of the management. On the last date of hearing the representative for the management stated that a settlement has been arrived at between the parties. He stated that according to the settlement the management has agreed to reinstate the workman with continuity of service and all the benefits such as seniority, promotion increments, etc., but without back wages and the period of absence will be regularised by sanctioning him leave of the kind due. The terms and conditions of service will be the same. The representative for the workman agreed to the statement of the representative of the management and prayed that award be passed accordingly.

In view of the statements given by the parties, I give my award that the workman is entitled to reinstatement with continuity of service with all the benefits such as seniority, promotion, increments and the period of absence shall be regularised by sanctioning leave of the kind due. But the workman shall not be entitled for back wages. I order accordingly.

Dated the 28th November, 1980.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1082, dated the 28th November, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 11(112)-80-8Lab/13283.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Frick India, Ltd., Main Mathura Road, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD.

Reference No. 446 of 1978

between

SHRI BAL KISHAN, WORKMAN AND THE MANAGEMENT OF M/S FRICK INDIA LTD.,  
MAIN MATHURA ROAD, FARIDABAD.

Present—

Workman in person.

Shri S. L. Gupta, for the management.

## AWARD

By order No. ID/FD/11/162/42741, dated the 22nd September, 1978, the Governor of Haryana referred the following dispute between the management of M/s. Frick India Ltd., Main Mathura Road, Faridabad, and its workman Shri Bal Kishan, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Bal Kishan was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 11th January, 1979 :—

1. Whether the domestic enquiry was proper and fair and the finding based on evidence ?
2. Whether the termination of services of the workman was justified and in order ?
3. If not, to what relief is he entitled ?

And the case was fixed for the evidence of the management on issue No. 1, who examined Shri R. Gogna as MW-1 and Shri Ashok Kumar Bhatia as MW-2 and closed their case. The workman also examined himself as WW-1 and closed his case. Arguments were heard.

Issue No. 1 was disposed of,—*vide* my order, dated the 29th October, 1980 and the enquiry was held to be proper.

*Issue No. 2.*—The management served charge-sheet upon the workman and after the enquiry finding Exhibit M-6 holding the workman guilty was given by the Enquiry Officer. I have gone through the enquiry finding and the evidence led by the parties in the enquiry. I have also perused other documents produced during the enquiry. The finding is based on the evidence and documents in which the workman had himself used abusive and derogatory language against the officers of the company. He has called bad names to them and therefore, the Enquiry Officer was right in arriving at his conclusions. I do not find any other circumstances in which the management could take a lenient view other than dismissal. Therefore, this issue is decided in favour of the management.

*Issue No. 3.*—The workman is not entitled to any relief .

While answering the reference, I give my award that the termination of services of the workman concerned was justified and in order. The workman is not entitled to any relief.

M. C. BHARDWAJ,

Dated the 2nd December, 1980.

Presiding Officer, Industrial,  
Tribunal Haryana, Faridabad.

No. 1113, dated the 3rd December, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer, Industrial  
Tribunal, Haryana, Faridabad.

**No. 11(112)-80-8Lab/13286.**—In pursuance of the provisions section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. East India Cotton Manufacturing Co. Ltd., Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD.

Reference No. 259 of 1978

*between*

SHRI RAM LAKHAN WORKMAN AND MANAGEMENT OF M/S. EAST INDIA COTTON  
MANUFACTURING CO., LTD., FARIDABAD.

*Present :*—

Shri P. K. De, for the workman.

Shri R. C. Sharma, for the management.

## AWARD

By order No. ID/FD/53-78/33778, dated the 19th July, 1978, the Governor of Haryana referred the following dispute between the management of M/s. East India Cotton Manufacturing Co. Ltd., Faridabad, and its workman Shri Ram Lakhan, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act :—

Whether the termination of services of Shri Ram Lakhan was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 27th June, 1979:—

1. Whether the workman was temporary and Badli workman ? If so, with what effect ?
2. Whether the workman abandoned his job of his own by remaining absent ?
3. As per term of reference.

And the case was fixed for the evidence of the management, who examined MW-1 Shri B. B. Gupta and closed their case. Then the case was fixed for the evidence of the workman, who was afforded many opportunities but he did not lead any evidence, therefore, his evidence was closed. Arguments were heard. I now give my finding issuewise :—

*Issue No. 1.*—MW-1 stated that the concerned workman was appointed,—*vide Exhibit M-1* on temporary basis. In cross examination he stated that he could not tell who issued appointment letter. I have gone through letter of appointment Exhibit M-1 which is signed by the concerned workman. The appointment is shown temporary. Therefore, I hold that he was a temporary workman.

*Issue No. 2.*—MW-1 produced Exhibit M-2, M-3 and M-4. He stated that the workman had brought Exhibit M-4 his letter of resignation to him and he took it to the Personnel Manager who accepted the same. The workman did not come in the witness box to controvert the statement of management witness. Believing in I find that the workman left his job of his own. Therefore, this issue is decided accordingly.

*Issue No. 3.*—On the adverse finding given by me on the above issue, this issue needs no decision.

While answering the reference, I give my award that the management did not terminate the services of the workman, rather on the other hand the workman abandoned his job of his own by remaining absent. The workman is not entitled to any relief.

Dated the 27th November, 1980.

M. C. BHARDWAJ,  
Presiding Officer, Industrial,  
Tribunal, Haryana, Faridabad.

No. 1078, dated the 28th November, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer, Industrial,  
Tribunal, Haryana, Faridabad.

**No. 11(112)-80-8Lab/13287.**—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of Haryana State Electricity Board, Thermal Project, Faridabad.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,  
FARIDABAD

Reference No. 226 of 1979

*between*

SHRI BIR SINGH, WORKMAN AND THE MANAGEMENT OF HARYANA STATE ELECTRICITY BOARD, THERMAL PROJECT, FARIDABAD

Present :

Shri S.R. Gupta for the workman.

Shri Narinder Pal Singh for the management.

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AWARD

By order No. ID/FD/55-79/34898, dated 9th August, 1979, the Governor of Haryana referred the following dispute between the management of M/s Haryana State Electricity Board, Thermal Project, Faridabad, and its workman Shri Bir Singh, to this Tribunal for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Bir Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 10th July, 1980 and the case was fixed for the evidence of the parties. The workman examined Shri Bir Singh as WW-1 and closed his case. Then the case was fixed for the evidence of the management. On the last date of hearing the representative for the management stated that a settlement has been arrived at between the parties. He stated that according to the settlement the management has agreed to reinstate the workman with continuity of service and all the benefits such as seniority, promotion increments, etc. but without back wages and the period of absence will be regularised by sanctioning him leave of the kind due. The terms and conditions of service will be the same. The representative for the workman agreed to the statement of the representative of the management and prayed that award be passed accordingly.

In view of the statements given by the parties I give my award that the dispute has been settled between the parties amicably. According to the settlement the workman is entitled to reinstatement with continuity of service with all the benefits such as seniority, promotion, increments and the period of absence shall be regularised by sanctioning leave of the kind due. But the workman shall not be entitled for back wages. I order accordingly.

M. C. BHARDWAJ,

Dated the 28th November, 1980.

Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 1081, dated the 28th November, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M.C. BHARDWAJ,

Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

**No. 11(112)-80-8Lab/13288.**—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Haryana State Electricity Board, Thermal Project, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL HARYANA, FARIDABAD.

Reference No. 224 of 1979

between

SHRI HARI LAL, WORKMAN, AND THE MANAGEMENT OF HARYANA STATE ELECTRICITY BOARD, THERMAL PROJECT, FARIDABAD

Present :—

Shri S.R. Gupta for the workman.

Shri Narinder Pal Singh for the management.

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AWARD

By order No. FD/59-79/34916, dated 9th August, 1979, the Governor of Haryana referred the following dispute between the management of M/s Haryana State Electricity Board, Thermal Project, Faridabad, and its workman Shri Hari Lal, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Hari Lal was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 10th July, 1980 and the case was fixed for the evidence of the parties. The workman examined as WW-1 and closed his case. Then the case was fixed for the evidence of the management. On the last date of hearing, the representative for the management stated that a settlement has been arrived at between the parties. He stated that according to the settlement the management has agreed to reinstate the workman with continuity of service and all the benefits such as seniority, promotion, increments, etc., but without back wages and the period of absence will be regularised by sanctioning him leave of the kind due. The terms and conditions of service will be the same. The representative for the workman agreed to the statement of the representative of the management and prayed that award be passed accordingly.

In view of the statements given by the parties, I give my award that the dispute has been settled between the parties amicably. According to the settlement the workman is entitled to reinstatement with continuity of service with all the benefits such as seniority, promotion, increments and the period of absence shall be regularised by sanctioning leave of the kind due. But the workman shall not be entitled for back wages. I order accordingly.

M.C. BHARDWAJ,

Dated the 28th November, 1980.

Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 1079, dated 28th November, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

**No. 11(112)-80-8Lab./13291.**—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Haryana State Electricity Board, Thermal Project, Faridabad.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 243 of 1979

between

SHRI NARAIN SINGH, WORKMAN AND THE MANAGEMENT OF M/S. HARYANA STATE  
ELECTRICITY BOARD, THERMAL PROJECT, FARIDABAD

Present:—

Shri S.R. Gupta, for the workman.

Shri Narinder Pal Singh, for the management.

## AWARD

By order No. FD/56-79/34910, dated the 9th August, 1979, the Governor of Haryana referred the following dispute between the management of M/s. Haryana State Electricity Board, Thermal Project, Faridabad, and its workman Shri Narain Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act.

Whether the termination of services of Shri Narain Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 10th July, 1980 and the case was fixed for the evidence of the parties. The workman examined as WW-1 and closed his case. Then the case was fixed for the evidence of the management. On the last date of hearing the representative for the management stated that a settlement has been arrived at between the parties. He stated that according to the settlement, the management has agreed to reinstate the workman with continuity of service and all the benefits such as seniority, promotion, increments, etc.-but without back wages and the period of absence will be regularised by sanctioning him leave of the kind due. The terms and conditions of service will be the same. The representative for the workman agreed to the statement of the representative of the management and prayed that award be passed accordingly.

In view of the statements given by the parties, I give my award that the dispute has been settled between the parties amicably. According to the settlement the workman is entitled to reinstatement with continuity of service with all the benefits such as seniority, promotion, increments and the period of absence shall be regularised by sanctioning leave of the kind due. But the workman shall not be entitled for back wages. I order accordingly.

M.C. BHARDWAJ,

Dated the 28th November, 1980.

Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 1080, dated the 28th November, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M.C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 11(112)-80-8Lab./13541.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Paul Engineering Works, Modern Industrial Estate, Bahadurgarh.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 147 of 1979

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S. PAL ENGINEERING WORKS,  
MODERN INDUSTRIAL ESTATE, BAHADURGARH

Present :—

Shri R.S. Dhaiya, for the workmen.

Shri M.M. Kaushal, for the management.

#### AWARD

By order No. ID/RTK/37-79/17746, dated 26th April, 1979, the Governor of Haryana referred the following disputes between the management of M/s. Pal Engineering Works, Modern Industrial Estate, Bahadurgarh, and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947: —

1. Whether the Attendance Cards should be supplied to the workmen ?
2. Whether the workmen are entitled to the grant of cycle allowance ? If so, with what details ?
3. Whether the workmen are entitled to house rent allowance ? If so, with what details ?
4. Whether the workmen are entitled to the grant of annual increments ? If so, with what details ?
5. Whether the workmen are entitled to the grant of attendance allowance ? If so, with what details ?

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On receipt of the order of reference, notices issued to the parties. The parties appeared and claim statement was filed by the workmen. Then the case was fixed for filing written statement by the management. But on the date fixed the workmen did not appear and the case was called thrice and the case was dismissed in default. Then the workmen moved an application for restoring the case on file. In the interest of justice the case was restored and the case was fixed for filing written statement by the management. Again on 25th March, 1980 neither party was present and the case was again dismissed in default. Then again the representative for the workmen moved an application for setting aside *ex parte* order. *Ex parte* orders were set aside and the case was fixed for filing written statement. Written statement was filed by the management. On the date fixed the representative for the workmen prayed for an adjournment for filing rejoinder. On the next date of hearing the representative for the workmen did not appear and the case was fixed on 17th November, 1980 for further proceedings. On the date fixed the representative for the management appeared but neither workmen appeared nor their representative. It seems that the workmen are not interested in pursuing their case and the case was dismissed for non-prosecution of the workmen.

I, therefore, give my award that the workmen are not interested in pursuing their case and the case is dismissed for non-prosecution of the workmen.

Dated, 3rd December, 1980.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1132, dated the 8th December, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

**No. 11(112)-80-8Lab/13542.**—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Hyderabad Asbestos Cement Products, Ltd., Ballabgarh.

**BEFORE SHRI M. C. BHARDWAJ PRESIDING OFFICER, INDUSTRIAL TRIBUNAL  
HARYANA, FARIDABAD**

**Reference No. 475 of 1978**

*Between*

**SHRI FEROZE KHAN WORKMAN AND THE MANAGEMENT OF M/S HYDERABAD ASBESTOS  
CEMENT PRODUCTS, LTD., BALLABGARH.**

*Present :—*

Shri R. C. Sharma for the workman.

Shri O. P. Sethi for the management.

**AWARD**

By order No. ID/97/78/47586, dated 20th October, 1978 the Governor of Haryana referred the following dispute between the management of M/s Hyderabad Asbestos Cement Products Ltd., Ballabgarh and its workman Shri Feroze Khan, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section(1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Feroze Khan was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of parties, issues were framed on 5th March, 1979 and the case was fixed for the evidence of the management. On the last date of hearing the representative for the workman stated that a settlement has been arrived at between the parties and the workman has received a sum of Rs. 7715 from the management and prayed that award be given in term of the settlement. The settlement is Exhibit - M-1.

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In view of the statement given by the representative for the workman I give my award that the dispute has been settled between the parties.

A workman has received a sum of Rs. 7715 from the management in full and final settlement of the dispute according to the settlement Exhibit M-1. I order accordingly.

Dated, 2nd December, 1980.

M. C. BHARDWAJ,

Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 1133, dated 8th December, 1980.

Forwarded (four Copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

**No. 11(112)-80-8Lab/13545.**—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Porritts and Spencer (Asia) Ltd., Sector 24, Faridabad.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 186 of 1978

*Between*

SHRI RAM NARAIN WORKMAN AND THE MANAGEMENT OF M/S PORRITTS AND SPENCE R (ASIA) LTD., SECTOR-24, FARIDABAD.

Present :—

Shri P. K. De, for the workman.

Shri R. C. Sharma, for the management.

#### AWARD

By order No. FD/28-78/31192, dated 6th July, 1978 the Governor of Haryana referred the following dispute between the management of M/s Porritts and Spencer (Asia) Ltd., Sector-24, Faridabad and its workman Shri Ram Narain, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the dismissal of Shri Ram Narain was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 6th February, 1979:—

1. Whether the enquiry held by the management is proper and fair ?
2. Whether the dismissal of workman is justified and in order ?
3. Relief.

And the case was fixed for the evidence of the management, who examined Shri A. S. Sharma as MW-1 and closed their case. Then the case was fixed for the evidence of the Workman, who examined himself as WW-1 and closed his case. Arguments were heard. Now I give my finding issue-wise —

**Issue No.1.**—MW-1 stated that he was appointed as Enquiry Officer,—*vide* Ex. M-1. Intimation of enquiry was given to the workman by the management. He had enquired into the charges Ex. M-2 Explanation of the workman was Ex. M-3. Enquiry was held by him according to the principles of natural justice. Full opportunity was given to the workman concerned. The workman participated in the enquiry. The enquiry proceedings were Ex.M-4. Documents placed by the parties during the enquiry were Ex. M-5 to Ex.-M-18. Enquiry finding was Ex.-M-19. In cross-examination he stated that he was a Law Graduate. He held enquiries in several cases. He disposed off letter of the workman dated 19th October, 1977, Ex.-M-5 *vide* his remark Ex. M-5/A.

WW-1 stated that he was charge sheeted for theft of grass by the management and the enquiry was held but the Enquiry Officer did not give him full opportunity. Ex. W-1 to W-3 letters were given to the Enquiry Officer but he did not afford him demanded facilities. In cross examination he stated that Shri Dud Nath was his representative in the enquiry.

I have gone through the enquiry file. The enquiry started on 20th September, 1977 and continued upto 3rd November, 1977. The finding was given on 10th November, 1977. The workman participated alongwith his representative throughout the enquiry. He has thumb marked the enquiry proceedings. He was represented by Shri Dud Nath who appeared as defence witness alongwith other witnesses of the workman. I find that the enquiry was held according to the principles of natural justice. It is fair and proper. This issue is decided in favour of the management.

**Issue No.2.**—The workman was found guilty of theft of a polythene plastic cloth 14'×9' by the Enquiry Officer. According to clause 19(12) of the Certified Standing Orders an offence punishable under IPC is a misconduct for which punishment was dismissal. According to Ex. M-20 the management considered the enquiry finding and passed dismissal order taking into consideration the misconduct committed by the workman concerned Letter of dismissal was received by him and thumb marked in token of its receipt. I do not find any reason to interfere in the finding of the Enquiry Officer or the order of the management in dismissing the concerned workman. This issue is also decided in favour of the management.

**Issue No. 3.**—The workman is not entitled to any relief.

While answering the reference, I give my award that the termination of services of the workman was justified and in order. The workman is not entitled to any relief.

Dated, 3rd December, 1980.

M. C. BHARDWAJ,

Presiding Officer, Industrial  
Tribunal, Haryana, Faridabad.

No. 1137, Dated the 8th December, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer, Industrial  
Tribunal, Haryana, Faridabad.

**No. 11(112)-80-8Lab/13605.**—In pursuance of the provision of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Sirocco Auto Private Ltd., Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, FARIDABAD

Reference No. 198 of 1978

Between

SHRI BIKHU RAM WORKMAN AND THE MANAGEMENT OF M/S SIROCCO CO. AUTO PRIVATE LTD., FARIDABAD

Present :—

Shri P. K. De for the workman.

Shri R. C. Sharma, for the management.

#### AWARD

By order No. FD/25-N-78/31186, dated 6th July, 1978 the Governor of Haryana referred the following dispute between the management of M/s Sirocco Auto Private Ltd., Faridabad and its workman Shri Bikhu Ram, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Bikhu Ram was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 25th July, 1979 :—

1. Whether the resignation was obtained by the management under force and coercion ?
2. Whether the workman is gainfully employed ?
3. Whether the termination of services of Shri Bhikhu Ram was justified and in order ? If not, to what relief is he entitled ?

And the case was fixed for the evidence of the management who examined Shri Lal Chand, Junior Clerk as MW-1 and Shri Asha Nand as MW-2 and closed their case. Then the case was fixed for the evidence of the workman who was afforded five opportunities but he did not produce any evidence. Therefore, his evidence was closed. Now I give my findings issue-wise :—

**Issue No. 1.**—MW-1 stated that the concerned workman was his co-workman. He wrote resignation Exhibit M-1 at the instance of the concerned workman. In cross examination he stated that they were living in the same colony in adjoining house. Application Exhibit M-2 was got written by the concerned workman from him. He further stated that he used to write letters for the concerned workman. He did not know the reason of the resignation. MW-2 stated that the concerned workman made application Exhibit M-2 for service and also signed Exhibit M-3. Exhibit M-4 letter of appointment was issued to him which is signed by him at point "A". The concerned workman submitted his resignation Exhibit M-1 on 23rd September, 1978. He was persuaded by the witness to continue in service because they were short of workmen, but the workman insisted on his resignation. The resignation was accepted by the authorities. He further stated that the accounts were prepared by him.

I have seen the resignation which is signed by the concerned workman. This issue is decided in favour of the management.

**Issue No. 2.**—There is no evidence on this issue, hence it is decided against the management.

**Issue No. 3.**—Due to the finding on issue No. 1, there is no necessity to decide this issue, because this is not a case of termination of services.

While answering the reference, I give my award that the management did not terminate the services of the workman, rather on the other hand, the workman resigned his job of his own. The workman is not entitled to any relief.

Dated 9th December, 1980.

M.C. BHARDWAJ,  
Presiding Officer,

Industrial Tribunal, Haryana, Faridabad.

No. 1150, dated 11th December, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M.C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal Haryana, Faridabad.

**No. 11(112)-80-8Lab/13607.**—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Sovrin Knit Works, Mathura Road, Faridabad.

BEFORE SHRI M.C. BHARDWAJ PRESIDING OFFICER, INDUSTRIAL TRIBUNAL HARYANA FARIDABAD.

Reference No. 338 of 1979

*Between*

SHRI MANI RAM WORKMAN AND THE MANAGEMENT OF M/S SOVRIN KNIT WORKS,  
MATHURA ROAD, FARIDABAD

*Present* —

Shri R.N. Roy, for the workman.

Shri S.L. Gupta, for the Management.

## AWARD

By order No. 83-79/44859, dated 22nd October, 1979 the Governor of Haryana referred the following dispute between the management of M/s Sovrin Knit Works Mathura Road, Faridabad and its workman Shri Mani Ram to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 —

Whether the termination of services of Shri Mani Ram was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties issues were framed on 1st January, 1980 and the case was fixed for the evidence of the management. But on the last date of hearing a settlement was arrived at between the parties. The representative for the workman stated that the workman has been taken on duty and the workman shall not be entitled to any wages for intervening period. The representative for the management also agreed to the statement of the representative of the workman.

In view of the statements given by the parties, I give my award that the workman has been taken on duty and the workman shall not be entitled for any wages for the intervening period. Order accordingly.

Dated, 8th December, 1980.

M.C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 1146, dated 9th December, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana Faridabad.

**No. 11(112)-80-8Lab/13608.**—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana if pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/S. Sovrin Knit Works, Mathura Road, Faridabad.

BEFORE SHRI M. C. BHARDWAJ PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 326 of 1979

*Between*

SHRI LAL SINGH WORKMAN AND THE MANAGEMENT OF M/S. SOVRIN KNIT WORKS MATHURA ROAD, FARIDABAD.

Present—

Shri R. N. Roy, for the workman.

Shri S. L. Gupta, for the Management.

## AWARD

By order No. 84-79/44733, dated the 19th October, 1979 the Governor of Haryana referred the following dispute between the management of M/S. Sovrin Knit Works Mathura Road, Faridabad and its workman Shri Lal Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Lal Singh was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 26th March, 1980 and the case was fixed for the evidence of the management, who examined Shri Mohinder Singh their Manager as MW-1 and closed his

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case. Then the case was fixed for the evidence of the workman. But on the last date of hearing a settlement was arrived at between the parties. The representative for the workman stated that the management has taken the workman on duty and stated that notice pay, retrenchment compensation, due wages which were not paid to the workman at the time of termination, shall be paid to the workman which shall cover intervening period. But this amount shall be treated as ex-gratia payment.

The representative for the management also agreed to the statement of the representative for the workman.

In view of the statements given by the parties, I give my award that the workman has been taken back on duty and the management shall pay the wages for the intervening period as stated above. I order accordingly.

Dated the 8th December, 1980.

M. C. BHARDWAJ,  
Presiding Officer, Industrial  
Tribunal, Haryana, Faridabad.

No. 1145, dated the 9th December, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer, Industrial  
Tribunal, Haryana, Faridabad.

{No. 11(112)-80-8Lab/13609.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad/Labour Court, Faridabad/Rohtak in respect of the dispute between the workman and the management of M/s. New India Dying and Finishing Mills, Mathura Road, Faridabad.

BEFORE SHRI M. C. BHARDWAJ PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD.

Reference No. 15 of 1979  
*between*

SHRI BHAGWAN DASS WORKMAN AND THE MANAGEMENT OF M/S. NEW INDIA  
DYEING AND FINISHING MILLS, MATHURA ROAD, FARIDABAD.

Present—

Shri R. N. Roy, for the workman.  
Shri D. C. Bhardwaj, for the management.

#### AWARD

By order No. 1/250-78/93, dated the 6th January, 1979 the Governor of Haryana referred the following dispute between the Management of M/s. New India Dyeing and Finishing Mills, Mathura Road, Faridabad and its workman Shri Bhagwan Dass, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, —

Whether the termination of services of Shri Bhagwan Dass was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, issues were framed on 12th July, 1979 and the case was fixed for the evidence of the management. The management examined Shri S. K. Talwar their Part-time Time Keeper as WW-1 and closed their case. Then the case was fixed for the evidence of the workman, who examined himself as WW-1 and closed his case. Then the case was fixed for arguments. At the time of hearing of arguments a settlement was arrived at between the parties. The representative for the workman stated that the workman has been taken back on duty and the management has paid two month's wages for the intervening period and prayed that award be passed in these terms. The representative for the management agreed to the statement given by the representative for the workman.

In view of the statements given by the parties, I give my award that the management shall take the workman on duty and shall pay two month's wages for the intervening period. I order accordingly.

Dated, the 8th December, 1980.

M. C. BHARDWAJ,  
Presiding Officer, Industrial Tribunal,  
Haryana, Faridabad.

No. 1144, dated the 9th December, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.